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Convention on the Rights of the Child

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Committee on the Rights of the Child
Sixty-seventh session
1–19 September 2014
Item 4 of the provisional agenda
Consideration of reports of States parties

List of issues in relation to the combined second to fourth periodic reports of Fiji

The State party is requested to submit in writing additional, updated information, if possible before 15 June 2014.

The Committee may take up any aspects of the children's rights set out in the Convention during the dialogue with the State party.

Part I

In this section, the State party is requested to submit its responses to the following questions (30 pages maximum).

1. Please clarify whether the State party intends to formulate a comprehensive policy and strategy for children and, if so, please provide information on its contents, implementation budget and monitoring and evaluation process.

2. Please inform the Committee of measures taken to implement its previous recommendation (CRC/C/15/Add.89, para. 30) concerning the establishment of an independent complaint and monitoring mechanism to effectively monitor, promote and protect children's rights in the State party. With reference to paragraph 31 of the State party's report, please clarify the role of Child Rights Desk Officer at the Fiji Human Rights and Anti-Discrimination Commission.

3. Please provide information on the efforts undertaken by the State party to promote meaningful participation by children at the local and national levels in the development and implementation of the National Climate Change Policy and other policies concerning climate change. Please also clarify whether, and if so how, the rights and interests of children are integrated and protected in the National Climate Change Policy.

4. Please indicate what measures have been taken to reform traditional attitudes, perceived gender roles and existing laws and regulations that discriminate against girls in family and public life. Please inform the Committee of the measures adopted by the State party to prevent, investigate and punish violence against girls and to provide redress to victims. With reference to paragraph 183 of the State party's report, please explain the

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measures taken to ensure that traditional apologies (*bulubulu*) are not imposed on child victims of sexual offences and to ensure follow-up on cases where children have been forced to "reconcile" with abusers.

5. Please clarify whether the Citizenship Decree protects the right of abandoned children (foundlings) to a nationality by ensuring that they automatically acquire Fijian nationality.

6. With reference to the high incidence of violence against children, including corporal punishment, as referred to in paragraph 108 of the State party's report, please provide information on all the practical measures taken to prevent and eradicate all forms of violence against children, such as an explicit legal prohibition of corporal punishment in all settings.

7. Please explain how the best interests of the children are taken into account in criminal proceedings concerning their parents, specifically in sentencing, including where life sentences are concerned. Please also clarify the measures taken to ensure that the children of incarcerated parents are not discriminated against in any way.

8. In the light of the Committee's previous recommendations (CRC/C/15/Add.89, para. 40), please indicate the steps taken to eliminate discrimination and social stigma against children with disabilities and to facilitate their full inclusion into society. Please provide information on the measures implemented by the State party to ensure effective access for children with disabilities to health and social services.

9. With reference to paragraphs 314 and 315 of the State party's report, please elaborate on the progress achieved in the implementation of the Inclusive Education Policy, adopted in 2010, and the educational rationale for developing special education schools for children with disabilities through the Special Education Section of the Ministry for Education.

10. With reference to paragraph 281 of the report, in which it is stated that the rate of teenage pregnancies is still an area of concern, please inform the Committee whether the State party has assessed the root causes of the high rates of pregnancy among adolescents. Please indicate the steps taken to ensure that sexual and reproductive health education and services for adolescents, including family planning and safe abortion services, are accessible and adequate throughout the State party, and that education and awareness programmes for boys have been integrated into the policies and plans for sexual and reproductive health services for children.

11. Please provide information on the measures taken to ensure that education is free, without hidden costs, and accessible to all children, including girls, and on the efforts made to reduce school dropout and increase the enrolment and retention of children, particularly girls, in the school system. Please also indicate the steps taken to implement early childhood programmes, including in the outer islands.

12. In the context of the introduction of a common national identity for both indigenous Fijians (iTaukei) and Fijians and the related legislation, please inform the Committee of the steps taken by the State party to protect the cultural rights of children belonging to minority and indigenous groups as well as the learning and use of their languages. Please also inform the Committee of the measures in place to ensure the effective participation of children from various indigenous groups at the local and national levels with regard to all policies affecting their identity and social and cultural rights.

13. Please indicate the minimum age of criminal responsibility. Please also clarify how the Juvenile Act promotes restorative justice and alternatives to detention and guarantees the rights of children to free legal assistance. Please explain the main elements of the draft

Community Based Corrections Decree and draft Child Justice Decree and say when the State party plans to adopt them.

Part II

In this section the Committee invites the State party to briefly (three pages maximum) update the information presented in its report with regard to:

(a) New bills and laws, and their respective regulations;

(b) New institutions and their mandates, and institutional reforms;

(c) Recently introduced policies, programmes and action plans and their scope and financing;

(d) Recent ratifications of human rights instruments.

Part III

Data, statistics and other information, if available

1. Please provide consolidated budget information for the past three years on resources allocated to children and the social sectors, indicating the percentage of each budget line in terms of the total national budget and gross national product in the State party.

2. Please provide data disaggregated by age, sex, socioeconomic background, ethnic origin and geographical location, covering the past three years, on the number/prevalence of:

(a) Cases of abuse and violence against children, including all forms of corporal punishment, with additional information on the type of assistance given to child victims and the follow-up provided, including prosecution of the perpetrators and the sentences handed down in the State party;

(b) Investigations of cases of sexual violence and rape, and the outcome of trials, including information on the penalties for perpetrators, and redress and compensation offered to the victims;

(c) Sexual offence cases where children have been forced to "reconcile" with abusers through traditional apologies (*bulubulu*);

(d) Children in street situations;

(e) Underweight/stunting in infant and children under 5 years of age and under-5 mortality, particularly in the Eastern and Northern Divisions;

(f) Children infected or affected by HIV/AIDS.

3. Please provide data disaggregated by age, sex, socio-economic background, ethnic origin and geographical location regarding the situation of children deprived of a family environment, covering the past three years, on the number of children:

(a) Separated from their parents;

(b) Living in child-headed households;

(c) Placed in institutions;

(d) Placed with foster families;

(e) Adopted domestically or through inter-country adoptions.

4. Please provide data, disaggregated by age, sex, type of disability, ethnic origin and geographical location, for the past three years, on the number of children with disabilities:

(a) Living with their families;

(b) In institutions;

(c) Attending regular primary schools;

(d) Attending regular secondary schools;

(e) Attending special schools;

(f) Out of school;

(g) Abandoned by their families.

5. Please provide data, disaggregated inter alia by age, sex, socio-economic background, ethnic origin and residency in the outer islands in the State party, for the past three years, on:

(a) The enrolment and completion rates, in percentages, of the relevant age groups in pre-primary schools, in primary schools and in secondary schools;

(b) The number and percentage of dropouts and repetitions;

(c) The teacher-pupil ratio.

6. Please provide data on social protection measures, disaggregated by age, sex, socioeconomic background and ethnic group, and residency in the outer islands, for the past three years, on the number of children:

(a) Involved in child labour;

(b) Performing domestic work and working in the fishing and agriculture sectors;

(c) Involved in hazardous work.

7. Please provide data, disaggregated inter alia by age, sex, ethnic origin and type of crime, for the past three years, on the number of:

(a) Children who have allegedly committed a crime and who have been reported to the police;

(b) Children who have been sentenced and the types of punishment or sanctions handed down for the offences they have committed, and the length of deprivation of liberty;

(c) Detention facilities for children in conflict with the law and the capacity of those facilities;

(d) Children detained in these facilities and children detained in adult facilities;

(e) Children kept in pretrial detention and the average length of their detention;

(f) Reported cases of abuse and ill treatment of children during their arrest and detention.

8. Please provide the Committee with an update of any data in the report which may have been superseded by more recent data collected or affected by new developments.

9. In addition, the State party may list issues affecting children that it considers to be of priority with regard to the implementation of the Convention.